



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. 36-1478

C# M#

BOOTON et al

TC/A.U.: 2642

Serial No. 09/936,220

Examiner: R. Al Aubraidi

Filed: September 10, 2001

Date: January 3, 2007

Title: COMPUTER TELEPHONY INTEGRATION

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

☐ **Correspondence Address Indication Form Attached.**

☐ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences

from the last decision of the Examiner twice/finally rejecting \$500.00 (1401)/\$250.00 (2401) \$
applicant's claim(s).

☐ An appeal **BRIEF** is attached in the pending appeal of the \$500.00 (1402)/\$250.00 (2402) \$
above-identified application

☐ Credit for fees paid in prior appeal without decision on merits -\$ ()

☒ A reply brief is attached. (no fee)

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

☐ "Small entity" statement attached.

Less month extension previously paid on -\$ ()

TOTAL FEE ENCLOSED \$ 0.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this
firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Larry S. Nixon, Reg. No. 25,640

Signature: Larry S. Nixon



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REPLY BRIEF

Applicant hereby submits this Reply Brief under the provisions of 37 C.F.R.

1.193(b) in response to the Examiner's Answer mailed November 3, 2006.

The arguments set forth in the Appeal Brief dated July 26, 2006 are incorporated herein by reference, and Applicant will not repeat the same herein. The following arguments are presented in response to new arguments presented in the Examiner's Answer and to further clarify Applicant's previous positions.

First, Applicant previously pointed out that the Examiner appeared to admit in the Final Office Action that Gruchala does not specifically teach either temporary or permanent simulated "modified" consistent CLI. Yet, the Examiner's Answer at page 8, lines 3-6, apparently retreats from this position: "Gruchala does not disclose that the

stimulated [sic -- simulated] (modified) consistent calling line identity is temporary nor is the [sic -- there] any disclosure in Gruchala [that] states that the modified identity is assigned to the user for [a] short period of time.” Curiously, the next few lines indicate that the “stimulated [sic -- simulated] (modified) caller ID will be assigned to this employee permanently as long as the employee is with the company” (emphasis added). Thus, the Examiner appears to be admitting that the simulated “modified” CLI is temporarily permanent -- which really means that the modification is only temporary.

It follows, then, that at best, Gruchala only teaches a temporary, simulated (modified -- i.e., translated) CLI for a group -- rather than for any particular individual user. Since a “permanent” CLI associated with an individual party clearly is not translated into a simulated (modified) consistent CLI, Gruchala cannot possibly supply the admitted fundamental deficiencies of Staples.

Second, the Examiner alleges that the “main concept” of the claimed invention is “translating the actual calling party identity to a corresponding simulated consistent calling line identity that is permanently associated with the calling party” (page 8, lines 7-9, emphasis removed). This language is similar (though not identical) to the second limitations recited in claims 1 and 7. In any case, Applicant rejects the concept of characterizing the claimed invention by separating out a single limitation from a claim in which it is recited. Each claim, taken as a whole, sets forth the metes and bounds of the invention.

Third, the Examiner’s Answer notes that the term “individual” is not recited in the claim language (page 9, lines 8-10). Applicant agrees. However, the claimed “calling

party” is tantamount to an “individual”. Clearly there is a substantial difference between the claim language and the teachings of Gruchala -- and, more particularly, between a calling party and a group to which a calling party belongs. As the Examiner’s Answer states:

“In Gruchala, a work-at-home telecommunication system and method that teaches modifying the calling party identification number to an identification number of a group associated with the calling party. . . . That is, when an employee, working at home (telecommuting) makes an outgoing telephone call, the actual caller ID information (his/her home phone number) will be modified to the company’s caller ID information.” (page 8, line 19 to page 9, line 3).

But as noted in the Appeal Brief in the last paragraph of page 12 through the first paragraph on page 14, claims 1 and 7 plainly require (1) “obtaining an actual calling party identity,” and (2) that the “simulated consistent calling line identity [be] permanently associated with the calling party.” Given these clear distinctions, it is not understood how a calling party can continue to be equated with a group of persons only collectively associated with the calling party.

In a similar vein, the Examiner’s Answer notes that “when the caller’s telephone number is translated into the group identity number it is done so via a translation table” (page 10, last 3 lines of the page). However it also should be noted that a “group” logically includes more than one caller. Thus, when the caller’s telephone number is translated into the group identity number via the translation table, there is a one-to-many correspondence, as there is one group and many members of that group. This simply is not the same as a one-to-one correspondence between one actual calling party identity and one simulated consistent calling line identity permanently associated with the calling

party. Although claims 1 and 7 do not explicitly recite the words “one-to-one,” the claim language -- not to mention the specification, in whose light the claims are to be interpreted -- make this requirement abundantly clear.

The claimed invention allows a user to be associated with a unique phone number such that when that number is called, the phone call is put through to the user's location. A number of translation tables are used to enable the unique phone number to be associated with the phone number/network address at which the user is physically located. Translation tables are also used to enable the user's unique phone number to be presented as the CLI, regardless of the phone number/network address at which the user is physically located. The user of a CTI system may be either a local or a remote user of the system.

Staples teaches a remote access system for telecommuters or “road warriors” such that they can access email and phone systems remotely and work as if they were present in the office, rather than working remotely. Staples teaches that phone calls are forwarded to the user but there is little disclosure of how the remote user's CLI is presented.

Gruchala teaches a system for a group of remote workers in which, if the appropriate access codes are entered, a telephone call will appear to originate from a group (e.g., a company) and be billed to the group's account, so that remote workers appear to be under a corporate umbrella. If no access codes are entered then a call will have the user's CLI data presented and the call will be billed to the user's account. Following the Gruchala teaching, a remote user can not be contacted directly. Instead,

the group/company number must be called and some form of directory/operator service provided in order to connect a customer to a remote user who had contacted them.

It seems incredible to invert the teaching of Gruchala (that is to hide the CLI of an individual so that they can not be directly and easily contacted) to that of the presently claimed invention wherein a user's unique number is disclosed by the CLI system and translated such that a call can be routed to the user regardless of his/her physical location (and even if the user changes location). Such teaching and/or motivation could only become possible with improper hindsight in view of the applicant's now claimed invention.

Furthermore, with respect to the arguments in the Examiner's Answer at page 11, lines 8-13, Applicant's statement that "The reference does not teach [that] the system translates the user's home telephone number into that caller's individual office/extension number," is not meant to repeat *verbatim* any claim limitation; rather, it is meant to characterize Gruchala. This teaching, if present in Gruchala, would roughly correspond to the above-discussed limitations of the claimed invention in the parlance of Gruchala. Differently stated, such a teaching would have to be present in Gruchala to make up for the deficiencies of Staples already admitted. Applicant stands by the statement -- the reference does not teach that the system translates the user's home telephone number into that caller's individual office/extension number -- and thus Gruchala fails to make up for the admitted deficiency of Staples.

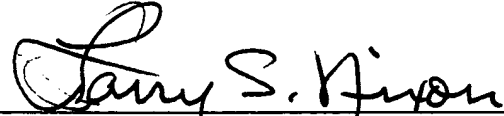
CONCLUSION

For at least the reasons set forth above and discussed in detail in the previously
filed Appeal Brief, it is respectfully requested that the rejections on Appeal be reversed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in cursive script, appearing to read "Larry S. Nixon", is written over a horizontal line.

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